

**2009 DRAFTING REQUEST****Senate Substitute Amendment (SSA-SB271)**Received: **01/07/2010**Received By: **csundber**Wanted: **As time permits**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**By/Representing: **Jessica Kelly**This file may be shown to any legislator: **NO**Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**Requester's email: **Sen.Lassa@legis.wisconsin.gov**Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

---

**Pre Topic:**No specific pre topic given

---

**Topic:**Incorporate seller confirmation, retail sales amendments

---

**Instructions:**See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 01/07/2010	jdye 01/07/2010		_____			
/1	csundber 01/13/2010	jdye 01/14/2010	rschluet 01/08/2010	_____	mbarman 01/08/2010	mbarman 01/08/2010	
/2			rschluet 01/14/2010	_____	cduerst 01/14/2010	cduerst 01/14/2010	

FE Sent For:

**<END>**

**2009 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB271)**

Received: **01/07/2010**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**

By/Representing: **Jessica Kelly**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lassa@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Incorporate seller confirmation, retail sales amendments

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber 01/07/2010	jdye 01/07/2010					
/1	1/2 1/4 jld		rschluet 01/08/2010		mbarman 01/08/2010	mbarman 01/08/2010	

FE Sent For:

**<END>**

**2009 DRAFTING REQUEST****Senate Substitute Amendment (SSA-SB271)**Received: **01/07/2010**Received By: **csundber**Wanted: **As time permits**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**By/Representing: **Jessica Kelly**This file may be shown to any legislator: **NO**Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Trade Regulation - other**

Extra Copies:

Submit via email: **YES**Requester's email: **Sen.Lassa@legis.wisconsin.gov**Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Incorporate seller confirmation, retail sales amendments

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	csundber	1/7 jld	1/10	1/10 ph/k			

FE Sent For:

<END>

## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

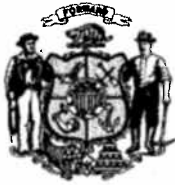
Legal (608-266-3561)

LRB

1/7/10

Jessica/Lassa

Sub to SB 271 that incorps LRBa 1084  
and LRBa 1238.



In: 1/7/10 Wanted: Monday AM

State of Wisconsin  
2009 - 2010 LEGISLATURE

50225/1

LRB=1837/4

CTS:jld&wlj:jf

RMNR

SSA

stays

TO 2009 SENATE BILL 271

August 21, 2009 - Introduced by Senators LASSA, CARPENTER, KAPANKE, HANSEN, WIRCH, LEHMAN, ROBSON, RISSER and TAYLOR, cosponsored by Representatives ROYS, MOLEPSKE JR., MASON, BENEDICT, BROOKS, BERCEAU, HUBLER, CULLEN, MILROY, PASCH, TURNER, BLACK, JORGENSEN, PARISI, STEINBRINK, VRUWINK, DANOU, SOLETSKI, RICHARDS, SPANBAUER and CLARK. Referred to Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.

Regen

or retail

- 1 AN ACT *to create* 20.115 (1) (ip), 100.335 and 814.75 (1d) of the statutes; **relating**
- 2 **to:** prohibiting the manufacture and sale at wholesale of certain baby bottles
- 3 and cups for children that contain bisphenol A, creating labeling requirements,
- 4 making an appropriation, and providing penalties.

***Analysis by the Legislative Reference Bureau***

This bill prohibits manufacturing or selling, or offering to sell, at wholesale an empty baby bottle or spill-proof cup primarily intended for use by a child five years of age or younger (child's container) if the child's container contains bisphenol A. A manufacturer or wholesaler must ensure that a child's container sold or offered for sale in this state is conspicuously labeled as not containing bisphenol A. The bill does not apply to the sale of a used child's container. Under the bill, the Department of Agriculture, Trade and Consumer Protection (DATCP) may, after a hearing, order a manufacturer or wholesaler of a container that violates the provisions of the bill to recall or repair the container.

A person who violates the provisions of the bill may be fined up to \$5,000, imprisoned in the county jail for up to one year, or both, and may also be required to forfeit \$100 to \$10,000 for each violation. Each container manufactured, sold, or offered for sale in violation of the provisions of the bill constitutes a separate violation. If a court imposes a fine or forfeiture, the court must also impose a surcharge equal to 50 percent of the amount of the fine or forfeiture. Under the bill, surcharges are appropriated to DATCP for administering and enforcing the provisions of the bill.

**SENATE BILL 271**

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 20.115 (1) (ip) of the statutes is created to read:

20.115 (1) (ip) *Bisphenol A enforcement*. All moneys received under s. 100.335 (6), for enforcement and administration of s. 100.335.

**SECTION 2.** 100.335 of the statutes is created to read:

**100.335 Child's containers containing bisphenol A.** (1) In this section, "child's container" means an empty baby bottle or spill-proof cup primarily intended by the manufacturer for use by a child 5 years of age or younger.

(2) No person may manufacture or sell, or offer for sale, at wholesale in this state a child's container that contains bisphenol A. A manufacturer or wholesaler who sells or offers for sale in this state a child's container shall ensure the container is conspicuously labeled as not containing bisphenol A.

(a) The department may commence an action in the name of the state to restrain by temporary or permanent injunction a violation of this section.

(b) The department or a district attorney may commence an action in the name of the state to recover a forfeiture to the state of not less than \$100 nor more than \$10,000 for each violation of this section.

(c) A person who violates this section may be fined not more than \$5,000, imprisoned for not more than one year in the county jail, or both.

that is intended  
for retail sale

INS 2-11 A

INS

2-11  
B

INS

2-13

## SENATE BILL 271

1 (d) For purposes of this subsection, each child's container manufactured, sold,  
2 or offered for sale in violation of this section constitutes a separate violation.

3 (4) The department may, after notice and opportunity for hearing under s.  
4 93.18, order a manufacturer or seller of a child's container in violation of this section  
5 to recall the container or to repair any defects in a container that has been sold. No  
6 person may refuse to comply with an order under this subsection.

7 (5) This section does not apply to the sale of a used child's container.

8 (6) If a court imposes a fine or forfeiture for a violation of this section, the court  
9 shall impose a bisphenol A surcharge under ch. 814 equal to 50 percent of the amount  
10 of the fine or forfeiture.

11 SECTION 3. 814.75 (1d) of the statutes is created to read:

12 814.75 (1d) The bisphenol A surcharge under s. 100.335.

13 SECTION 4. Effective date.

14 (1) This act takes effect on the 90th day beginning after publication. ✓

15 (END)





State of Wisconsin  
2009 – 2010 LEGISLATURE

LRBa1238/1  
CTS:wlj:md

SENATE AMENDMENT ,  
TO 2009 SENATE BILL 271

INS  
2-11 A

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 10: after "child's container" insert "that is intended for retail  
3 sale".

4 2. Page 2, line 11: after "bisphenol A." insert <sup>or</sup> A manufacturer or wholesaler  
5 who sells or offers for sale in this state a child's container that is not intended for  
6 retail sale shall do one of the following: ✓

7 (a) Ensure that the container is conspicuously labeled as not containing  
8 bisphenol A. ✓

9 (b) Confirm to the buyer that the container does not contain bisphenol A. ✓

10

(END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBa1084/1  
CTS:jld:md

SENATE AMENDMENT ,  
TO 2009 SENATE BILL 271

INS 2-11B

INS  
2-13

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 2: after "wholesale" insert "or retail".

3 2. Page 2, line 11: after that line insert:

4 (2m) No person may sell, or offer for sale, at retail in this state a child's  
5 container that contains bisphenol A. (end ins 2-11B)

6 ~~3. Page 2, line 14: delete lines 14 to 18 and substitute~~

7 (b) The department or a district attorney may commence an action in the name  
8 of the state to recover a forfeiture to the state of not less than \$100 nor more than  
9 \$10,000 for each violation of sub. (2). A person who violates sub. (2) may be fined not  
10 more than \$5,000 or imprisoned for not more than one year in the county jail or both.

insert 2-13  
continues

INS

2-13 cont

LRBa1084/1  
CTS:jld:md

1 (c) The department or a district attorney may commence an action in the name  
2 of the state to recover a forfeiture to the state of not less than \$50 nor more than \$200  
3 for each violation of sub. (2m)."

END INS 2-13

✓ (END)

3

**Sundberg, Christopher**

---

**From:** Matthias, Mary  
**Sent:** Wednesday, January 13, 2010 1:22 PM  
**To:** Sundberg, Christopher  
**Cc:** Kelly, Jessica; Shannon, Pam  
**Subject:** RE: SB 271-BPA sippy cups

I forgot to add- apply the same penalties for violation of retail sale labeling requirement as currently apply under the sub for retail sale in violation of sub.(3)—(\$50 to \$200 forfeiture).

thx.

*Mary Matthias*

Senior Staff Attorney  
Wisconsin Legislative Council Staff  
Ph.(608)266-0932;Fax (608)266-3830

---

**From:** Matthias, Mary  
**Sent:** Wednesday, January 13, 2010 1:06 PM  
**To:** Sundberg, Christopher  
**Cc:** Kelly, Jessica; Shannon, Pam  
**Subject:** SB 271-BPA sippy cups

Chris-

Sen. Lassa would like a minor change made to the sub to AB 271 (LRB 0225/1). She would like the sub to require all child's containers sold at retail to be conspicuously labeled as not containing bisphenol A.

The bill will be exec'ed next Wednesday.

thanks!

Mary

*Mary Matthias*

Senior Staff Attorney  
Wisconsin Legislative Council Staff  
Ph.(608)266-0932;Fax (608)266-3830

01/13/2010



SENATE SUBSTITUTE AMENDMENT ,  
TO 2009 SENATE BILL 271

4  
Regen

1 AN ACT *to create* 20.115 (1) (ip), 100.335 and 814.75 (1d) of the statutes; **relating**  
2 **to:** prohibiting the manufacture and sale at wholesale or retail of certain baby  
3 bottles and cups for children that contain bisphenol A, creating labeling  
4 requirements, making an appropriation, and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5 SECTION 1. 20.115 (1) (ip) of the statutes is created to read:  
6 20.115 (1) (ip) *Bisphenol A enforcement.* All moneys received under s. 100.335  
7 (7), for enforcement and administration of s. 100.335.

8 SECTION 2. 100.335 of the statutes is created to read:

9 **100.335 Child's containers containing bisphenol A.** (1) In this section,  
10 "child's container" means an empty baby bottle or spill-proof cup primarily intended  
11 by the manufacturer for use by a child 5 years of age or younger.

(2) No person may manufacture or sell, or offer for sale, at wholesale in this state a child's container that contains bisphenol A. A manufacturer or wholesaler who sells or offers for sale in this state a child's container that is intended for retail sale shall ensure the container is conspicuously labeled as not containing bisphenol A. A manufacturer or wholesaler who sells or offers for sale in this state a child's container that is not intended for retail sale shall do one of the following:

(a) Ensure that the container is conspicuously labeled as not containing bisphenol A.

(b) Confirm to the buyer that the container does not contain bisphenol A.

(3) No person may sell, or offer for sale, at retail in this state a child's container that contains bisphenol A.

*A person who sells or offers for sale at retail in this state a child's container shall ensure the container is conspicuously labeled as not containing bisphenol A.*

(4) (a) The department may commence an action in the name of the state to restrain by temporary or permanent injunction a violation of this section.

(b) The department or a district attorney may commence an action in the name of the state to recover a forfeiture to the state of not less than \$100 nor more than \$10,000 for each violation of sub. (2). A person who violates sub. (2) may be fined not more than \$5,000 or imprisoned for not more than one year in the county jail or both.

(c) The department or a district attorney may commence an action in the name of the state to recover a forfeiture to the state of not less than \$50 nor more than \$200 for each violation of sub. (3).

(d) For purposes of this subsection, each child's container manufactured, sold, or offered for sale in violation of this section constitutes a separate violation.

(5) The department may, after notice and opportunity for hearing under s. 93.18, order a manufacturer or seller of a child's container in violation of this section

1 to recall the container or to repair any defects in a container that has been sold. No  
2 person may refuse to comply with an order under this subsection.

3 (6) This section does not apply to the sale of a used child's container.

4 (7) If a court imposes a fine or forfeiture for a violation of this section, the court  
5 shall impose a bisphenol A surcharge under ch. 814 equal to 50 percent of the amount  
6 of the fine or forfeiture.

7 **SECTION 3.** 814.75 (1d) of the statutes is created to read:

8 814.75 (1d) The bisphenol A surcharge under s. 100.335.

9 **SECTION 4. Effective date.**

10 (1) This act takes effect on the 90th day beginning after publication.

11 (END)